

REMARKS

Applicants submit herewith an Excess Fee Payment for one (1) excess total claim.

By this Amendment, Applicants amend claim 1-5 and 7-11 to more particularly define the invention, and adds new claims 12-21 to claim additional features of the invention. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1-5 and 7-11, and new claims 12-21. No new matter has been introduced.

It is noted that the claim amendments are made and new claims are presented only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability.

Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

On pages 2-12 of the Office Action, claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,646,677 B2 to Noro et al. (“Noro”) in view of Japanese Patent Application Publication No. 2001-344285 A1 to Hiroyuki (“Hiroyuki”).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as set forth in independent claim 1, is directed to an image management apparatus. The image management apparatus includes a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed and a deadline for

obtaining the image data, a communications interface configured to send the photography instruction information to an imaging apparatus via a wireless communication network and for receiving information transmitted via the wireless communication network, an input unit configured to receive an input of image data obtained by the imaging apparatus according to the photography instruction information, and a storage memory configured to store the image data.

Another exemplary embodiment of the claimed invention, as set forth in independent claim 8, is directed to an imaging apparatus. The imaging apparatus includes an imaging unit configured to obtain image data representing a subject by photography of the subject, a receptor configured to receive the photography instruction information from an image management apparatus, a monitor configured to display information including the photography instruction information, and a storage memory configured to store the image data obtained by the imaging means according to the photography instruction information. The image management apparatus includes a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed, a communications interface configured to send the photography instruction information to the imaging apparatus via a wireless communication network and for receiving information transmitted via the wireless communication network, and an input unit configured to receive an input of image data obtained by the imaging apparatus according to the photography instruction information.

A further exemplary embodiment of the claimed invention, as set forth in independent claim 11, is directed to an image storage management system. The image storage management system includes an image management apparatus including a photography instruction information storage memory configured to store photography instruction

information that indicates a subject to be photographed, a communications interface configured to send the photography instruction information to an imaging apparatus via a wireless communication network and for receiving information transmitted via the wireless communication network, an input unit configured to receive an input of image data obtained by the imaging apparatus according to the photography instruction information; and a storage memory configured to store the image data. The image storage management system also includes at least one imaging apparatus including an imaging unit configured to obtain image data representing a subject by photography of the subject, a receptor configured to receive the photography instruction information from the image management apparatus, a monitor configured to display information including the photography instruction information, and a storage memory configured to store the image data obtained by the imaging means according to the photography instruction information.

Several advantages of these exemplary aspects of the claimed invention are set forth on page 7, line 23 through page 10, line 7 of the originally-filed specification.

II. THE OBVIOUSNESS REJECTION

On pages 2-12 of the Office Action, claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noro in view of Hiroyuki. Applicants respectfully traverse this rejection.

No combination of Noro and Hiroyuki discloses or suggests the claimed invention. For example, independent claim 1 recites an image management apparatus including, among other aspects, *“a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed.”*

In another example, independent claim 8 recites an imaging apparatus including,

among other aspects, “*an image unit configured to obtain image data representing a subject by photography of the subject, a receptor configured to receive the photography instruction information from an image management apparatus*” and “*a monitor configured to display information including the photography instruction information.*”

In a further example, independent claim 11 recites an image storage management system including, among other aspects, “*a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed*” and “*a monitor configured to display information including the photography instruction information.*”

No combination of Noro and Hiroyuki discloses or suggests at least these respective aforementioned aspects of independent claims 1, 8, and 11 either alone or in combination with the other respective aforementioned aspects of the independent claims 1, 8, and 11.

Noro discloses camera management devices 12, 14 for controlling the image sensing direction and zoom ratio of cameras 16, 18, respectively, in accordance with a camera control signal supplied by camera operation devices 20, 22 via LAN 10. Cameras 16, 18 then supply images to clients via LAN 10. (Fig. 5; col. 6, lines 56-64).

Pages 3 and 10 of the Office Action assert that the following portions of Noro correspond to “*a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed*” recited in independent claims 1 and 11 and “*a receptor configured to receive the photography instruction information from an image management apparatus*” as recited in independent claim 8:

disclosed a sequence of the stored program which is executed by the CPU of the camera operation device 20 for controlling the image sensing apparatus, and the data transmitting upon reception of the image data from the camera management 12, Col. 3, lines 66-67, Col. 4, line 1-8, Col. 7, lines 40-48, and Col. 10, line 10-13[.]

Applicants respectfully disagree that this is the case, however, as at no point do camera management devices 12, 14 send information to cameras 16, 18 concerning “*a subject to be photographed*” as set forth in independent claims 1, 8, and 11. Indeed, Noro repeatedly discloses sending instructions concerning only image sensing direction and zoom ratio. (Col. 6, lines 56-64; col. 7, lines 8-15; col. 11, lines 18-21). While col. 7, lines 7-12 do recite “the storage unit 32 stores position information of an object to sense a specific object. Note that this position information includes the image sensing direction and zoom ratio of the camera,” once again, only the image sensing direction and zoom ratio information are sent from management devices 12, 14 to cameras 16, 18, and not information concerning “*a subject to be photographed*” as set forth in independent claims 1, 8, and 11.

Moreover, pages 7-8 of the Office Action assert that the following portions of Noro correspond to “*a monitor configured to display information including the photography instruction information*” as recited in independent claims 8 and 11:

disclosed still camera and/or video camera 16 has inherently a viewfinder or a LCD for displaying/recording an object or a scene image, Col. 1, lines 10-16[.]

However, Applicants respectfully dispute this assertion, as it is not inherent that cameras 16, 18 have viewfinders or LCDs. In order to make a showing of inherency, the Office Action must show that the allegedly inherent aspect is *necessarily* present in the disclosure. MPEP 2112(IV). Such a burden has clearly not been met here, as cameras 16, 18 are most likely closed circuit cameras who merely transmit images back to camera management devices 12, 14, and thus, they have no need for viewfinders or LCDs. Additionally, even if cameras 16, 18 do have such viewfinders or LCDs, Noro does not disclose that they display any information sent from camera management devices 12, 14, and certainly not information concerning “*a subject to be photographed*” as set forth in independent claims 8 and 11.

Moreover, Hiroyuki is not cited as remedying any of the aforementioned deficiencies of Noro, as Hiroyuki is merely cited for disclosing disaster information center 121 receiving damage information from portable information terminal 111 via communication line 131.

Regarding the rejection of dependent claim 3, dependent claim 3 recites “*a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communications interface so that the photography instruction information corresponding to the image data is sent again to the imaging apparatus in the case where the storage memory does not have the image data corresponding to the photography instruction information.*” Page 5 of the Office Action admits that Noro does not disclose the aforementioned aspect, however, the Office Action then cites Hiroyuki as allegedly disclosing this aspect.

Hiroyuki, cited by the applicant, discloses in figures 1-3, and 6, an accumulation means which accumulates the damage information received by the reception means is compared with the position information added to picture image data. The judging means which judges whether picture image data is the picture image data of which damage area and the display the related picture which the damage information on the damage area judged by the judging means and if it is not, the new photography instruction information can be inherently sent to the PDA requesting the new image picture be sensed.

As an initial matter, by alleging that new photography instruction information requesting the new picture can inherently be sent to the PDA, the Office Action admits that Hiroyuki does not explicitly disclose this aspect. However, as also set forth above, in order to make a showing of inherency, the MPEP requests that something *necessarily* be present. There is no indication in Hiroyuki that disaster information center 121 *necessarily* sends instructions back to portable information terminal 111 to take new images should the previously sent images be unsatisfactory. Indeed, Hiroyuki does not disclose disaster

information center 121 sending any instructions to portable information terminal 111 at all.

Regarding the rejection of dependent claim 6, dependent claim 6 recites “*wherein the photography instruction information includes a photography process representing the type of the subject to be photographed and a deadline for obtaining the image data.*” While page 7 of the Office Action asserts that Noro discloses sending “sensing direction” and “zoom ratio” information, neither of those correspond to either “*the subject to be photographed*” or “*a deadline for obtaining the image data*” as set forth in dependent claim 6.

Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the Section 103(a) rejections based on Noro and Hiroyuki.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/608,093
Docket No. PA4954US

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 10/23/08

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